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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

ZACHERY WILLIAMS, MICHAEL MA, and
JOHN DITEMAN, on behalf of themselves and
all others similarly situated,

Plaintiffs,

v.

TESLA, INC. and DOES 1 through 10,
inclusive,

Defendants.

Case No.: 4:20-cv-08208-HSG

**PLAINTIFF JOHN DITEMAN'S NOTICE
OF VOLUNTARY DISMISSAL WITHOUT
PREJUDICE PURSUANT TO FED. R. CIV.
P. 41(a)(1)(A)(i); L.R. 77-2(c)**

COMES NOW, Plaintiff, JOHN DITEMAN, acting through counsel, in consideration of and in connection with the facts as stated in Plaintiffs' Case Management Statement filed in the above-referenced action on February 2, 2023 (Dkt. 75), hereby voluntarily dismisses his claims as follows:

1. as to the individual claims and causes of action of Plaintiff John Diteman, Dismissal *Without Prejudice* of the entire action; and
2. as to the class claims and causes of action, Dismissal *Without Prejudice* of the entire action;

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i) and L.R. 77-2(c), dismissal is appropriate without court order for the following reasons:

1. Defendant TESLA, INC. has not filed or served an answer or a motion for summary judgment in this action; and
2. a class has not been certified nor is a class being proposed for certification for purposes of settlement.

Accordingly, dismissal is appropriate without a court order.

Dated: February 6, 2023

MCCUNE LAW GROUP, APC

By: /s/ David C. Wright

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Attorneys for Plaintiff,

John Diteman

CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of the foregoing document to be filed on February 6, 2023, with the Clerk of the Court for the United States District Court for the Northern District of California using the Court's electronic filing system, which will send a notice of electronic filing to all attorneys appearing in this matter.

/s/ David C. Wright
David C. Wright